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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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H.B. Fuller Company
Patent Department
1200 Willow Lake Blvd.
P.O. Box 64683
St. Paul, MN 55164-0683

EXAMINER

GRAY, LINDA LAMEY

ART UNIT

PAPER NUMBER

1734

DATE MAILED: 11/18/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/843,005

Applicant(s)

MIDDELSTADT ET AL.

Examiner

Linda L Gray

Art Unit

1734

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 13-18 and 24-42 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 13-18 is/are allowed.
- 6) ☒ Claim(s) 24-29, 31-37, and 41-42 is/are rejected.
- 7) ☒ Claim(s) 30 and 38-40 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Election/Restrictions

1. Applicants' arguments with respect to the restriction of claims 13-18 from 24-42 (see Office action of 2-26-03) have been fully considered. Claims 13-18 and 24-42 have been examined, and the restriction requirement is withdrawn because claim 13 claims an applicator and claimed such in the originally filed claims as well as claim 13 filed 1-23-03.

Claim Rejections - 35 USC § 103

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. **Claims 24-29, 31-37, and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Helm (US 3,957,570) in view of Doderer-Winkler (US 5,429,576).**

Claim 24, Helm teaches a tape feed assembly including feed roll 18 for advancing web 16 from supply 14 thereof along a predetermined path at a first speed, pressure roller 18a for holding web 16 in engagement with roll 18, vacuum roll 24' with anvil insert 26' for accepting web 16 from roll 18, a driver for roll 24' to provide a predetermined peripheral speed thereof different from the first speed for advancing web 16 toward vacuum wheel applicator 29' (**claim 31**) in predetermined lengths 10 where applicator 19 advances lengths 10 onto a substrate(c 2, L 28 to c 4, L 9), knife 27' having a blade mean engagable with roll 24' for cutting web 16 against roll 24', and (**claim 25**) a motor controller means including items D and 54 for changing the speed of web 16 and roll 24' to adjust the length of web 16 passing roll 24' (and thus the length of lengths 10) before being cut by knife 27' and later registered with the substrate where roll 18 has a peripheral speed (**claims 28 and 36**) equal to or less than that of roll 24' (c 5, L 46-46, and c 6, L 10-18; para bridging c 4-5).

Claim 24, Helm does not teach knife 27 to be a rotary knife driven at the same speed as roll 24'.

Doderer-Winkler teaches rotary knife 70 having blade means 72 engagable with vacuum roll 68 for cutting a web against roll 68 (c 5, L 20, to c 6, L 29).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have provided in Helm that knife 27 be a rotary knife driven at the same speed as roll 24' because Doderer-Winkler teaches such to be convention in the art and it is obvious to replace one cutter with another art recognized alternative cutter.

The limitations of **claims 26-27 and 34-35** refers to the material operated upon by the claimed apparatus and do not provide structural differences between the claimed apparatus and that of Helm. **Claims 29 and 37**, in Helm modified the speeds of roll 24' and its corresponding rotary knife are at the same speed. **Claim 32**, the holes on the surface of roller 29' form a foraminous surface. **Claim 33**, web 16 is on roll 24' prior to being cut. **Claim 41**, Helm demonstrates in Figure 14 as well as Figures 7-10 (embodiment 1) that web 16 is upon roll 24' for a given peripheral degree which is shown to be 180 degrees (Figure 7 specifically).

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless – (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claim 42 is rejected under 35 U.S.C. 102(b) as being anticipated by Helm.

Claim 42, the above discussion of Helm applies herein

Allowable Subject Matter

6. Claims 13-18 are allowed.

Claims 30 and 38-40 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Art Unit 1734

7. The following is a statement of reasons for the indication of allowable subject matter:

claim 30: the prior art of record does not teach a first sensor positioned to detect a location on the substrate for applying lengths 10 to the substrate and generate a first signal identifying the location; a second sensor positioned to detect the rotational position of the rotary knife and generate a second signal identifying the rotational position; and a controller configured to receive the first signal and the second signal and control the peripheral speed of at least the rotary knife or vacuum roll 24' in response to the first signal and the second signal;

claim 13: the prior art of record does not teach vacuum roll applicator 29' of Helm to be positioned adjacent to roll 24' of Helm in that transfer roll 28' is provided therebetween and one skilled in the art would not consider removing roll 28' in that such is provided to work in combination with roll 24' and roll 29' to move lengths 10 onto a receiving web where lengths 10 and roll 29' move at the same speed as the receiving web where lengths 10 was previously moving at a slower speed than that of the receiving web; and

claim 39: the prior art of record does not teach an adhesion preparation means for activating the web 16 in that the adhesive for bonding lengths 10 and web 12 is provided in web 12.

Response to Papers Filed


8. Applicants' comments filed 8-29-03 have been fully considered. In response, a grounds of rejection has been applied, as shown above.

Conclusion

9. Any inquiry concerning this communication or earlier communications should be directed to Examiner Linda L. Gray at (703) 308-1093, Monday-Friday from 6:30 am to 3:30 pm. The fax number is (703) 872-9306.

llg

November 17, 2003


LINDA GRAY
PRIMARY EXAMINER